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By: **Delegates Rosenberg, Cadden, Kopp, and Montague**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Public Safety - Probation - Participation in General Education Diploma or**  
3                                   **Literacy Program**

4 FOR the purpose of authorizing a court to require a certain person to participate in a  
5 General Education Diploma or literacy program under certain circumstances;  
6 and generally relating to probation and participation in a General Education  
7 Diploma or literacy program.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Procedure  
10 Section 6-219, 6-220(a), and 6-225  
11 Annotated Code of Maryland  
12 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15                                   **Article - Criminal Procedure**

16 6-219.

17 (a) Subject to subsection (b) of this section, a court:

18 (1) may suspend a sentence generally or for a definite time;

19 (2) may pass orders and impose terms as to costs, recognizance for  
20 appearance, PARTICIPATION IN A GENERAL EDUCATION DIPLOMA (GED) OR  
21 LITERACY PROGRAM, or matters relating to the residence or conduct of the defendant  
22 who is convicted as may be deemed proper; or

23 (3) if the defendant who is convicted is under 18 years of age, may order  
24 confinement in any care or custody as may be deemed proper.

25 (b) (1) If the court places on probation a defendant who has been convicted  
26 of a violation of § 21-902(a) or (b) of the Transportation Article, the court shall require  
27 as a condition that the defendant participate in an alcohol treatment or education

1 program approved by the Department of Health and Mental Hygiene, unless the court  
2 finds and states on the record that the interests of the defendant and the public do not  
3 require the imposition of this condition.

4 (2) If the court places on probation a defendant who has been convicted  
5 of a violation of any provision of Article 27, §§ 276 through 303 of the Code, the court  
6 shall require as a condition that the defendant participate in a drug treatment or  
7 education program approved by the Department of Health and Mental Hygiene,  
8 unless the court finds and states on the record that the interests of the defendant and  
9 the public do not require the imposition of this condition.

10 (c) (1) In Calvert County, Charles County, and St. Mary's County, the court  
11 may impose a sentence of confinement as a condition of probation.

12 (2) In Prince George's County, the court on conviction may sentence a  
13 defendant to the local correctional facility or place of confinement under the  
14 jurisdiction of the sheriff, if:

15 (i) the sentence is to be performed during any 48-hour period in a  
16 7-day period, with each period of confinement to be not less than 2 days of the  
17 sentence imposed;

18 (ii) the crime leading to the conviction allows confinement in the  
19 local correctional facility; and

20 (iii) the total sentence does not exceed 30 two-day periods of  
21 confinement.

22 6-220.

23 (a) (1) When a defendant pleads guilty or nolo contendere or is found guilty  
24 of a crime, a court may stay the entering of judgment, defer further proceedings, and  
25 place the defendant on probation subject to reasonable conditions if:

26 (i) the court is satisfied that the best interests of the defendant  
27 and the public welfare would be served; and

28 (ii) the defendant gives written consent after determination of guilt  
29 or acceptance of a nolo contendere plea.

30 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions  
31 may include an order that the defendant:

32 (i) pay a fine or monetary penalty to the State or make restitution;  
33 [or]

34 (ii) participate in a rehabilitation program, the parks program, or a  
35 voluntary hospital program[.]; OR

1 (III) PARTICIPATE IN A GENERAL EDUCATION DIPLOMA (GED) OR  
2 LITERACY PROGRAM.

3 (3) Before the court orders a fine, monetary penalty, or restitution, the  
4 defendant is entitled to notice and a hearing to determine the amount of the fine,  
5 monetary penalty, or restitution, what payment will be required, and how payment  
6 will be made.

7 (4) Any fine or monetary penalty imposed as a condition of probation  
8 shall be within the amount set by law for a violation resulting in conviction.

9 6-225.

10 (a) (1) (i) Probation may be granted whether the crime is punishable by  
11 fine or imprisonment or both.

12 (ii) If the crime is punishable by both fine and imprisonment, the  
13 court may impose a fine and place the defendant on probation as to the imprisonment.

14 (iii) Probation may be limited to one or more counts or indictments  
15 but, in the absence of express limitation, extends to the entire sentence and judgment.

16 (iv) The court may revoke or modify a condition of probation or may  
17 reduce the period of probation.

18 (2) If a sentence of imprisonment is imposed and a part of it is suspended  
19 with the defendant placed on probation, the court may impose as a condition of  
20 probation that the probation begin on the day the defendant is released from  
21 imprisonment.

22 (b) (1) If the court places on probation a defendant who has been convicted  
23 of a violation of any provision of Article 27, §§ 276 through 303 of the Code, the court  
24 shall require as a condition that the defendant participate in a drug treatment or  
25 education program approved by the Department of Health and Mental Hygiene,  
26 unless the court finds and states on the record that the interests of the defendant and  
27 the public do not require the imposition of this condition.

28 (2) IF A COURT SUSPENDS A SENTENCE OF IMPRISONMENT AND PLACES  
29 A DEFENDANT ON PROBATION, THE COURT MAY IMPOSE AS A CONDITION OF  
30 PROBATION THAT THE DEFENDANT PARTICIPATE IN A GENERAL EDUCATION  
31 DIPLOMA (GED) OR LITERACY PROGRAM.

32 (c) In Calvert County, Cecil County, Charles County, Harford County, and St.  
33 Mary's County, the court may impose a sentence of confinement as a condition of  
34 probation.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2001.